## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

UNITED STATES OF AMERICA,	§		
	§		
Plaintiff,	§		
	§		
v.	§	CASE NO.	7:18-CV-366
	§		
2.69 ACRES OF LAND, MORE OR	§		
LESS, SITUATE IN HIDALGO	§		
COUNTY, STATE OF TEXAS; AND	§		
F.E. & J.A. KNAPP	§		
LIMITED PARTNERSHIP,	§		
	§		
	§		
Defendants.	<b>§</b>		

### **COMPLAINT IN CONDEMNATION**

- 1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.
- 2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.§ 1358.
- 3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule "A."
- 4. The public purpose for which said interest in property is taken is set forth in Schedule "B."

5. The legal description and map or plat of land in which certain interests are being acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in

Schedules "C" and "D."

6. The interest being acquired in the property described in Schedules "C" and "D" is

set forth in Schedule "E."

7. The amount of just compensation estimated for the property interest being acquired

is set forth in Schedule "F."

8. The names and addresses of known parties having or claiming an interest in said

acquired property are set forth in Schedule "G."

9. Local and state taxing authorities may have or claim an interest in the property by

reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule "E" of

the property described in Schedules "C" and "D" be condemned, and that just compensation for

the taking of said interest be ascertained and awarded, and for such other relief as may be lawful

and proper.

Respectfully submitted,

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Attorney for Plaintiff

## SCHEDULE A

## **SCHEDULE A**

## **AUTHORITY FOR THE TAKING**

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved March 23, 2018, as Public Law 115-141, div. F, tit. II, 132 Stat. 348, which appropriated the funds that shall be used for the taking.

# SCHEDULE B

## **SCHEDULE B**

## **PUBLIC PURPOSE**

The public purpose for which said property is taken is to conduct surveying, testing, and other investigatory work needed to plan the proposed construction of roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

## SCHEDULE C

## **SCHEDULE C**

## **LEGAL DESCRIPTION**

Hidalgo County, Texas

Tract: RGV-WSL-2012

Owner: F.E. & J.A. Knapp Limited Partnership

Acres: 2.69

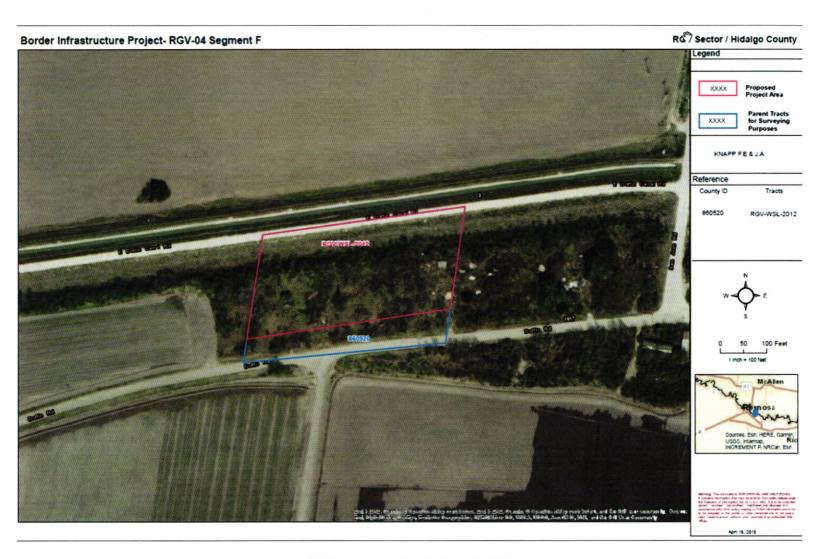
As identified in the Special Warranty Deed, Document #: 1989-137402, recorded on November 9, 1989, at Volume 2832, Page 949 in the Deed Records of Hidalgo County:

Lot 102, Block 31 of the San Juan Plantation Subdivision out of Porciones 71 and 72, Hidalgo County, Texas, according to the map or plat thereof recorded in Plat Book Volume 3 at Page 52 of the map records of Hidalgo County, Texas.

## SCHEDULE D

## SCHEDULE D

## MAP or PLAT



### LAND TO BE CONDEMNED

Tract: RGV-WSL-2012

Owner: F.E. & J.A. Knapp Limited Partnership

Acreage: 2.69

\* The case caption identifies acreage for the entire parent tract; access to the entire parent tract may be necessary to complete a survey of the proposed tract outlined in red on the map above.

## SCHEDULE E

## **SCHEDULE E**

### ESTATE TAKEN

Hidalgo County, Texas

Tract: RGV-WSL-2012

Owner: F.E. & J.A. Knapp Limited Partnership

Acres: 2.69

The estate taken is a temporary, assignable easement beginning on the date possession is granted to the United States and ending 12 months later, consisting of the right of the United States, its agents, contractors, and assigns to enter in, on, over and across the land described in Schedule C to survey, make borings, and conduct other investigatory work for the purposes described in Schedule B and to access adjacent lands; including the right to trim or remove any vegetative or structural obstacles that interfere with said work; reserving to the landowners, their successors and assigns all right, title, and privileges as may be used and enjoyed without interfering with or abridging the rights hereby acquired; subject to minerals and rights appurtenant thereto, and to existing easements for public roads and highways, public utilities, railroads and pipelines.

## SCHEDULE F

## **SCHEDULE F**

## **ESTIMATE OF JUST COMPENSATION**

The sum estimated as just compensation for the land being taken is ONE HUNDRED DOLLARS AND NO/100 (\$100.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto; and, an additional sum determined at the conclusion of the temporary estate described in Schedule E to constitute actual damages, if any.

## SCHEDULE C

## **SCHEDULE G**

## **INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. See Fed. R. Civ. P. 71.1(c).

Interested Party	References
F.E. & J.A. Knapp Limited Partnership	Special Warranty Deed recorded on
c/o Registered Agent	November 9, 1989-Document # 1989-
Robert G. Knapp, Sr.	137402; Deed Records of Hidalgo County
815 Houston Avenue	
Houston, Texas 77007	Plat map of the San Juan Plantation
	Subdivision out of Porciones 71 and 72,
	Hidalgo County, Texas, recorded
	November 18, 1926 – Plat Book Volume
	3 Page 52; Plat Records of Hidalgo
	County